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UNITED STATES DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

ADVANCE NOTICE OF  
PROPOSED RULEMAKING

COMMENTS OF  
ALASKA AIRLINES, INC.

RE: PASSENGER  
MANIFESTS  
DOCKET #47383

Alaska Airlines, Inc. (hereinafter "Alaska") is a member carrier of the Air Transport Association of America ("**ATA**"). The **ATA** has, under separate cover, submitted comments on behalf of all of its member carriers. While Alaska wholeheartedly adopts the comments made by **ATA**, it believes that these additional comments relating to one specific aspect of the ANPRM are appropriate and necessary, to highlight the extent of its concern.

The area of particular concern to Alaska is the implication that the passenger manifest requirements may be considered for applicability to domestic travel. Such a suggestion is so **inimicable** to the apparent intent of the legislation and the best interests of the American traveling public that it should be rejected without further consideration.

While it is arguable that the inaffily drafted language of the statute is broad enough to cover flights that begin and end in the United States but traverse foreign or international air space while **enroute**, such an interpretation would, of necessity, render the practical application of the passenger manifest requirements a nightmare for air carriers and travelers alike. No feasible mechanisms exist on such flights for the collection of much of the information contemplated by the statute. The questions posed by the Department of Transportation ("DOT") in the Advanced Notice of Proposed Rulemaking ("**ANPRM**") tacitly recognize this dilemma.

For example, when DOT asks whether special problems will arise in regard to foreign travel where no specific passport requirement exists, it recognizes that the ability to even collect, much less verify, passenger information on such flights is limited and complicated. Such flights do, however, provide some minimal, limited opportunities since in those instances air carriers are at least required to check passengers for some form of travel documentation. Passengers departing Seattle for Mexico, for example, must present some citizenship documentation to the air carrier prior to departure. This mandatory, pre-departure contact with the passenger could, assuming arguendo the necessity of the passenger manifest requirements being applied to Mexican or Canadian travel, provide a vehicle for collection of passenger information. Such a vehicle simply does not exist for domestic travel.

The domestic air system is designed to allow the traveler to complete travel with the minimum of contact with airline representatives. Computerized reservation systems, used by many travel agencies, including advanced check-in and seat selection, make it possible for passengers to arrive for domestic flights only minutes before departure. In such instances, the airlines' first contact with the passenger may be as that person actually steps on the plane. Any attempts by the carrier at that point to collect, or even verify the prior collection of, manifest information, would be a practical impossibility. Air carriers would have to redesign their procedures for the entire domestic system in order to even attempt to comply.

Moreover, no bright line guides would be available to carriers in determining which flights might be covered. Virtually any flight, on any given day, departing or arriving at many of the **Canadian/U.S.** border airports may or may not depart and enter U.S. airspace depending on weather and air traffic considerations for the specific time of arrival/departure. There would be absolutely no way to tell in advance if passenger information needed to be collected.

Other security related measures, in recognition of these practical difficulties, have not been extended to domestic travel. For example, positive baggage match requirements have not been extended to domestic flights. Similarly, no **aircraft** searches are required for domestic flights and baggage restrictions as to the carriage of battery powered equipment are not in effect.

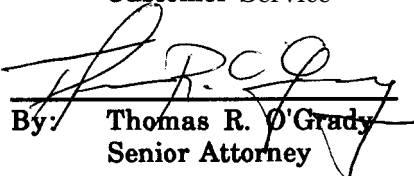
To extend the coverage of passenger manifest requirements to the domestic system where no vehicle is in place to facilitate the collection/verification of the required information is to invite system interruptions and delays of an unprecedented nature. If DOT actually intends that the domestic airline systems should be so completely restructured, the changes should be directly set out for complete debate, notice and comment. Such a change should not be boot&rapped, perhaps inadvertently, to legislation/regulations, so clearly aimed at truly international travel.

While Alaska firmly believes that clearly the regulations regarding passenger manifests should not be extended to cover even international travel that does not require a passport, we also believe that even if such travel is included, the bright line between international flights and domestic must continue to be respected. Any regulations issued pursuant to this ANPRM should not be written in a manner that would blur that distinction and cause unwarranted degradation of the domestic air system. Absent a clearly stated legislative intent to do so, any such regulations would be well beyond the scope of the authority given to DOT in this instance.

Respectfully submitted this 19th day of February, 1991.

**ALASKA AIRLINES, INC.**

By: Edward W. White  
Assistant Vice President  
**Customer Service**

  
By: **Thomas R. O'Grady**  
Senior Attorney